

the Secretary of Agriculture shall use such means as he may deem necessary, including construction and repair of buildings, plants, and equipment for fumigation and disinfection or cleaning of vehicles and materials; the cleaning and disinfection of vehicles or materials necessary to accomplish the purpose shall be carried out by or under the direction of authorized inspectors of the Department of Agriculture, and the Secretary of Agriculture shall make and collect such charge as will cover, as nearly as may be, the average cost of materials, facilities, and special labor used in performing such disinfection, and fees so collected shall be covered into the Treasury of the United States as miscellaneous receipts.

(b) Penalties

(1) Any person who knowingly violates any rule or regulation promulgated under subsection (a) of this section shall be guilty of a misdemeanor and shall be punished by a fine not exceeding \$5,000, by imprisonment not exceeding one year, or both.

(2) Any person who violates any such rule or regulation may be assessed a civil penalty by the Secretary of Agriculture not exceeding \$1,000. The Secretary may issue an order assessing such civil penalty only after notice and an opportunity for an agency hearing on the record. Such order shall be treated as a final order reviewable under chapter 158 of title 28. The validity of such order may not be reviewed in an action to collect such civil penalty.

(Jan. 31, 1942, ch. 31, 56 Stat. 40; Pub. L. 85-36, title I, §110, May 23, 1957, 71 Stat. 34; Pub. L. 97-461, §3, Jan. 12, 1983, 96 Stat. 2524; Pub. L. 103-465, title IV, §431(b), Dec. 8, 1994, 108 Stat. 4967.)

AMENDMENTS

1994—Subsec. (a). Pub. L. 103-465 struck out “from Mexico” after “regulate the entry into the United States”.

1983—Pub. L. 97-461 designated existing provisions as subsec. (a) and added subsec. (b).

1957—Pub. L. 85-36 substituted “or” for “and” before “under the direction of authorized inspectors”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-465 effective on the date of entry into force of the WTO Agreement with respect to the United States (Jan. 1, 1995), except as otherwise provided, see section 451 of Pub. L. 103-465, set out as an Effective Date note under section 3601 of Title 19, Customs Duties.

TRANSFER OF FUNCTIONS

Functions of all officers, agencies and employees of Department of Agriculture transferred, with certain exceptions, to Secretary of Agriculture by 1953 Reorg. Plan No. 2, §1, eff. June 4, 1953, 18 F.R. 3219, 67 Stat. 633, set out as a note under section 2201 of this title.

DISPOSITION OF MONEYS

Department of Agriculture Appropriation Acts, July 12, 1943, ch. 215, 57 Stat. 408; June 28, 1944, ch. 296, 58 Stat. 440, provided that any moneys received in payment of charges shall be covered into the Treasury as miscellaneous receipts.

CONTINUATION OF PROVISIONS

Sections amended or repealed by Pub. L. 85-36 to continue in force as to rights, liabilities and violations

that occurred before May 23, 1957, and findings, regulations, other orders, permits and certificates issued before May 23, 1957, as remaining in effect until modified, see section 111 of Pub. L. 85-36, set out as a note under section 147a of this title.

CHAPTER 7A—GOLDEN NEMATODE

Sec.	
150.	Governmental policy for protection of potatoes and tomatoes from golden nematode.
150a.	Duty of Secretary of Agriculture.
150b.	Inspections; quarantines; restrictions; crop destruction; compensation of growers.
150c.	Expenditure of funds; discretion of Secretary.
150d.	State legislative action authorizing restrictions on or destruction of crops.
150e.	Computation of compensation paid growers; method; finality of determination.
150f.	Expenses; employment of personnel; printing and binding; purchase of passenger-carrying vehicles.
150g.	Chapter as supplemental legislation.

§ 150. Governmental policy for protection of potatoes and tomatoes from golden nematode

To protect potato and tomato production in the United States from the destructive pest known as the golden nematode which subsists on the roots of potatoes and tomatoes, causes marked reduction in yield, persists in the soil for many years in an inactive state in the absence of preferred hosts, and becomes active and destructive when potatoes or tomatoes are again planted, it is the policy of the Government of the United States, independently or in cooperation with State and local governmental agencies, and other public and private organizations, associations, and individuals, to eradicate, suppress, control, and prevent the spread of, this pest.

(June 15, 1948, ch. 471, §1, 62 Stat. 442.)

SHORT TITLE

Section 9 of act June 15, 1948, provided that: “This Act [enacting this chapter] may be cited as the ‘Golden Nematode Act’.”

CROSS REFERENCES

Cooperation with State agencies in administration and enforcement of laws relating to marketing of agricultural products and control or eradication of plant and animal diseases and pests; assistance of State agencies to Secretary of Agriculture; coordination of administration of Federal and State laws; Federal administrative jurisdiction and other provisions respecting cooperation unaffected, see section 450 of this title.

§ 150a. Duty of Secretary of Agriculture

The Secretary of Agriculture either independently or in cooperation with public or private agencies is authorized to carry out operations or measures to eradicate, suppress, control, or prevent the spread of, the golden nematode.

(June 15, 1948, ch. 471, §2, 62 Stat. 443.)

§ 150b. Inspections; quarantines; restrictions; crop destruction; compensation of growers

The activities contemplated by this chapter include cooperation with States and other agencies in making inspections, applying suppressive measures, enforcing quarantines, enforcing restrictions on the planting of potatoes and toma-